

**Caridis, Alyssa**

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**From:** Randall Garteiser [rgarteiser@ghiplaw.com]  
**Sent:** Thursday, July 17, 2014 12:52 PM  
**To:** Caridis, Alyssa  
**Cc:** Nallely Vasquez; chonea@ghiplaw.com; kanderson@ghiplaw.com; pbrasher@ghiplaw.com; bluespike@ghiplaw.com; Eric Findlay; Walter Lackey; Higgins, Christopher J.; Ramsey, Gabriel M.  
**Subject:** Re: 6:12-cv-00499-MHS-CMC Blue Spike, LLC v. Texas Instruments, Inc. - Audible Magic's Discovery (SERVICE EMAIL)

Dear Counsel:

We appreciate you bringing this oversight to our attention. We are investigating on our end this matter but it appears while my colleague was out of the office on paternity leave we had a mistake occur in our calendaring system. Initially, it appears to have involved confusion then Findlay Craft also hand served some additional discovery requests on July 3, 2014 to our law firm office here in Tyler, Texas. In hindsight, these are different requests than what Ms. Vasquez served, and not merely re-served copies of what she had previously served via email.

So going forward, we ask that both your firms please serve us consistently by email to [bluespike@ghiplaw.com](mailto:bluespike@ghiplaw.com). We understand that proper service should be made on Audible Magic by serving [AudibleMagic-BlueSpike@orrick.com](mailto:AudibleMagic-BlueSpike@orrick.com).

As lead counsel, I take responsibility for the mistake we made, but we request an extension on this discovery until the deadline of the discovery that your client Audible Magic served on July 3, 2014. In other words, we would like an extension to respond to Audible Magic's discovery until August 4, 2014. We request this relief in the spirit of the parties' stipulated protective order with regards to inadvertent mistakes in the production of privileged documents — we are merely trying to avoid a Draconian result based upon an obvious oversight.

Please advise if this is an acceptable resolution to this unfortunate calendaring event. Thanks in advance for your cooperation in handling this inadvertent error.



**Randall Garteiser** / Partner  
888.908.4400 x104 / [rgarteiser@ghiplaw.com](mailto:rgarteiser@ghiplaw.com)  
218 N College Ave, Tyler, TX 75702  
44 N San Pedro, San Rafael, CA 94903  
<http://www.ghiplaw.com>

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On Jul 15, 2014, at 4:41 PM, Caridis, Alyssa <[acaridis@orrick.com](mailto:acaridis@orrick.com)> wrote:

Counsel,

Blue Spike and Scott Moskowitz's responses to the attached discovery requests were due yesterday. We did not receive any responses. To the extent responses were served by non-electronic means, please e-mail those responses

by close of business today. Otherwise, per FRCP 36, Audible Magic's first set of requests for admission are now deemed admitted. Furthermore, any objections that Mr. Moskowitz or Blue Spike Inc. had to the interrogatories are now waived. Please provide substantive responses to these interrogatories by close of business on Thursday July 17.

Regards,  
Alyssa Caridis

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**From:** Nallely Vasquez [<mailto:NVasquez@findlaycraft.com>]  
**Sent:** Wednesday, June 11, 2014 2:52 PM  
**To:** '[chonea@ghiplaw.com](mailto:chonea@ghiplaw.com)'; '[rgarteiser@ghiplaw.com](mailto:rgarteiser@ghiplaw.com)'; '[cjohns@jmehlaw.com](mailto:cjohns@jmehlaw.com)'; '[kanderson@ghiplaw.com](mailto:kanderson@ghiplaw.com)'; '[pbrasher@ghiplaw.com](mailto:pbrasher@ghiplaw.com)'; '[bluespike@ghiplaw.com](mailto:bluespike@ghiplaw.com)'  
**Cc:** Eric Findlay; Walter Lackey; Higgins, Christopher J.; Ramsey, Gabriel M.; Caridis, Alyssa  
**Subject:** 6:12-cv-00499-MHS-CMC Blue Spike, LLC v. Texas Instruments, Inc. - Audible Magic's Discovery (SERVICE EMAIL)

Dear Counsel,

Please see attached the following:

- Audible Magic, Corp.'s First Set of Requests for Admission to Counterclaim Defendant Blue Spike, Inc.;
- Audible Magic, Corp.'s First Set of Interrogatories to Counterclaim Defendant Blue Spike, Inc.; and
- Audible Magic, Corp.'s First Set of Interrogatories to Counterclaim Defendant Scott Moskowitz.

Thank you,

Nallely Vasquez  
<image001.jpg>

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